

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE SE/S Rolandvue Road, 180 ft. NELY of c/l Cloverlea Road 1103 Rolandvue Road 9th Election District 4th Councilmanic District Patricia Baker Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1802.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 15 ft. in lieu of the required 50 ft., in conjunction with the erection of an attached garage, more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for a Residential Variance, the subject property, known as 1103 Rolandvue Road, improved with a single family detached home, zoned D.R. 1, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioner is requesting a variance to permit a front yard setback of 15 ft. in lieu of the required 50 ft., in conjunction with the erection of an attached garage.

The Petitioner has filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and, therefore, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and

for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of May, 1991 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1802.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 15 ft. in lieu of the required 50 ft., in conjunction with the erection of an attached garage, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall not allow or cause the garage to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

JRH:mmm

J. Robert Haines
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 14, 1991

Kenneth F. Davies, Esquire
250 W. Pratt St., 13th floor
Baltimore, Maryland 21201

RE: Petition for Residential Zoning Variance
Case No. 91-353-A

Dear Mr. Davies:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmm
encl.
cc: Peoples Counsel
cc: Mrs. Patricia Baker

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3C to permit a front yard set back of 15 feet in lieu of the required 50 feet, in conjunction with the erection of a garage.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See attached

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

250 W. Pratt St., 13th Fl. 21201

Address

(301) 659-1303

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

City/State/Zip Code

Name

Address

City/State/Zip Code

ORDERED by the Zoning Commissioner of Baltimore County, this 15 day of March, 1991, that the subject matter of this petition be posted on the property on or before the 23 day of March, 1991.

J. Robert Haines
Zoning Commissioner of Baltimore County

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this day of , 19 , that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the day of , 19 , at o'clock, .

ORDER RECEIVED FOR FILING

Date

By

ZONING COMMISSIONER OF BALTIMORE COUNTY

348

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-353-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at

1103 Rolandvue Road

(Address)

That based upon personal knowledge, the following are the facts upon which I/we have the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

The proximity of the proposed garage to the lot line is peculiar to this property in contrast with other properties in the district.

The location of the garage is compelled by the orientation of the house. No other property owner will incur substantial injury as a result of this requested variance.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

PATRICIA BAKER

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of March, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

PATRICIA BAKER

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

March 12, 1991

DATE

NOTARY PUBLIC

My Commission Expires:

AMANDA L. SCHWARTZKOPF

NOTARY PUBLIC

STATE OF MARYLAND

MY COMMISSION EXPIRES OCTOBER 1, 1994

ATTACHMENT TO PETITION FOR ZONING VARIANCE

91-353-A

1. The proximity of the proposed garage to the lot line is peculiar to this property in contrast with other properties in the zoning district. The location of the garage is compelled by the orientation of the house.

2. The resulting hardship and practical difficulty is not the result of the petitioner's own actions.

3. In view of the orientation of the house and the non-conformity of the front yard as shown on the preliminary subdivision plat (Zoning Office File 1x-345), strict compliance would render conformance unnecessarily burdensome and unreasonably prevent the use of the property for a permitted purpose.

4. The relief requested will permit the spirit of the ordinance to be preserved and will not affect public safety or welfare.

5. No other property owner will incur substantial injury as a result of the relief requested. No lesser relaxation than that applied for will give substantial relief.

11751

ZONING DESCRIPTION

BEGINNING at a point on the southeast side of Rolandvue Road which is 50 feet right of way at the distance of 180+/- feet southwesterly to the center line of intersecting of Cloverlea Road which is 40 feet right of way. Thence the following courses and distances:

N. 89° 45' 10" E. 292.17 ft., S. 59° 29' 38" E. 115.00 ft., S. 30° 30' 22" W. 259.88 ft., N. 67° 44' 50" W. 46.46 ft., N. 18° 23' 00" W. 213.63 ft., N. 19° 45' 10" E. 44.00 ft., S. 89° 45' 10" W. 175.00 ft., N. 29° 06' 47" E. 22.95 ft. to the place of beginning as recorded in Deed Liber 48, Folio 106.

Being Lot #2 in the subdivision of Dorothy F. Fiese property as recorded in Baltimore County Plat Book E.M.K., Jr. 48 Folio 106, containing 1.0350 acres. Also known as 1103 Rolandvue Road, Baltimore County, Maryland, and located in the 9th Election District.



91-353-A



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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: March 14, 1991

Posted for: Patricia Baker

Petitioner: Patricia Baker

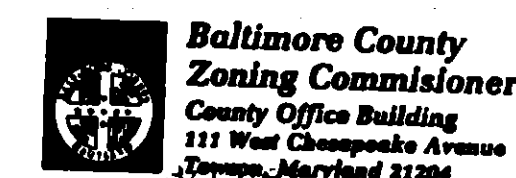
Location of property: 1103 Rolandvue Road, Baltimore County, Maryland

Location of signs: 1103 Rolandvue Road, Baltimore County, Maryland

Remarks: None

Posted by: J. Robert Haines Date of return: March 14, 1991

Number of Signs: 1



Account: R-0014150
Number: H9100348

| Date | PUBLIC HEARING FEES | QTY | PRICE |
|------|----------------------------------|-----|----------------|
| | 010 -ZONING VARIANCE (IRL) | 1 X | \$35.00 |
| | 080 -POSTING SIGNS / ADVERTISING | 1 X | \$25.00 |
| | LAST NAME OF OWNER: BAKER | | TOTAL: \$60.00 |

receipt

0460480056MCHRC
\$60.00

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 26, 1991

Patricia Baker
1012 Cloverlea Road
Ruxton, Maryland 21204

Re: CASE NUMBER: 91-353-A
LOCATION: SE/8 Rolandvue Road, 180' NEly of c/l Cloverlea Road
1103 Rolandvue Road

Dear Petitioner(s):

Please be advised that your petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 3, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is April 18, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

cc: Kenneth F. Davies, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 9, 1991

Kenneth F. Davies, Esquire
250 W. Pratt Street, 13th Floor
Baltimore, MD 21201

RE: Item No. 348, Case No. 91-353-A
Petitioner: Patricia Baker
Petition for Zoning Variance

Dear Mr. Davies:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Patricia Baker
1012 Cloverlea Road
Ruxton, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
15th day of March, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Patricia Baker

Petitioner's Attorney: Kenneth F. Davies

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: April 10, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 26, 1991

This office has no comments for items number 328, 341 and 348.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

MARCH 26, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: PATRICIA BAKER
Location: #1103 ROLANDVUE ROAD
Item No.: 348 Zoning Agenda: MARCH 26, 1991

Comment:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Jeffrey Long* 3/26/91 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/LEK

received
3/27/91

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 4, 1991
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for March 26, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 186 (91-257-A), 341, and 348.

For Item 328, the dimensions shown as "paving" are right-of-way widths.

For Item 344, a County Review Group Meeting is required for this site.

For Item 346, a cover of 15 feet +/- over the existing 60-inch sanitary sewer is adequate. Avoid damage to the existing manhole on the bend structure within the truck parking area.

For Item 347, the previous County Review Group comments still apply.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

APRIL 18th 91-353-A

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: April 29, 1991
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Patricia Baker, Item No. 348

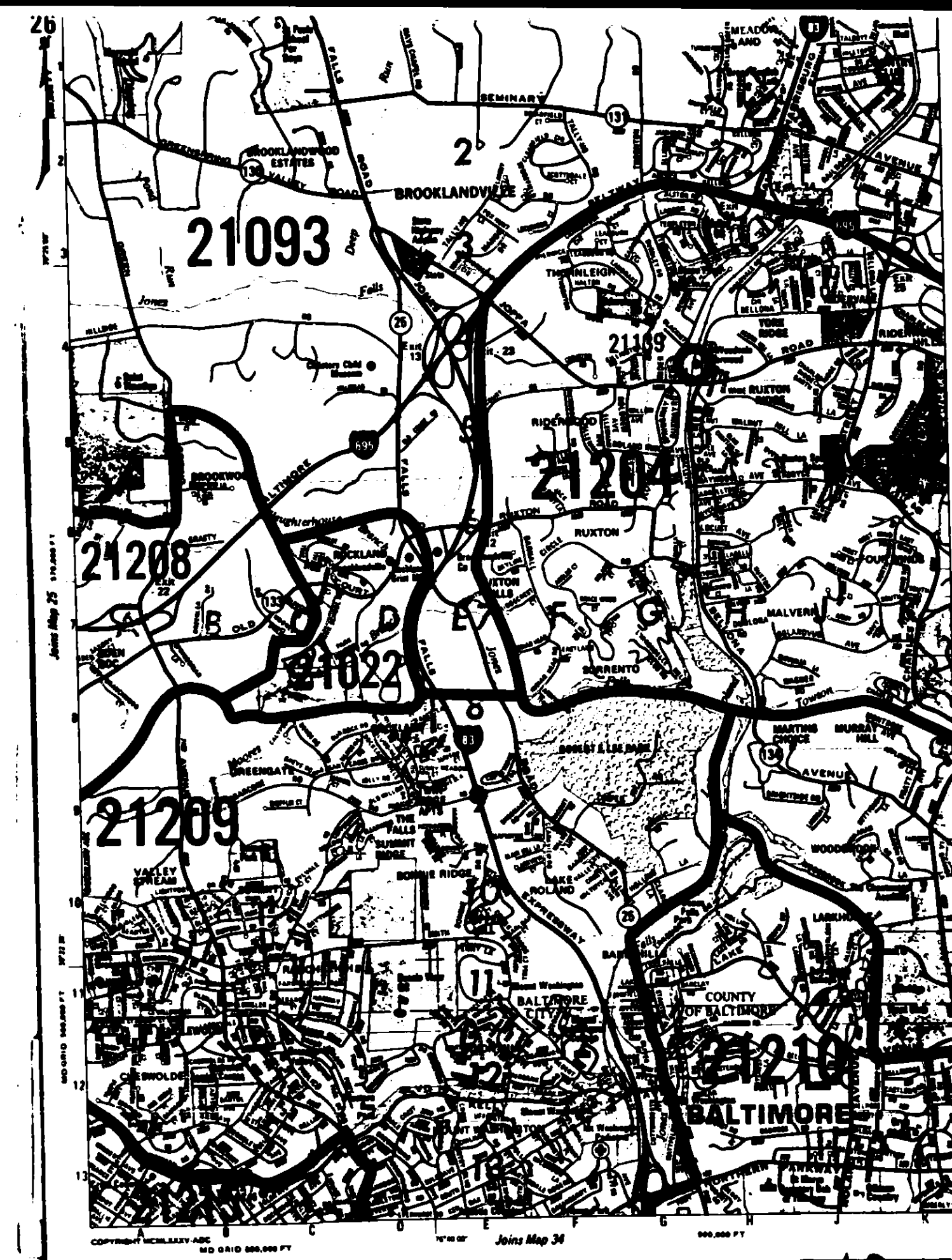
In reference to the petitioner's request, staff offers no comments.

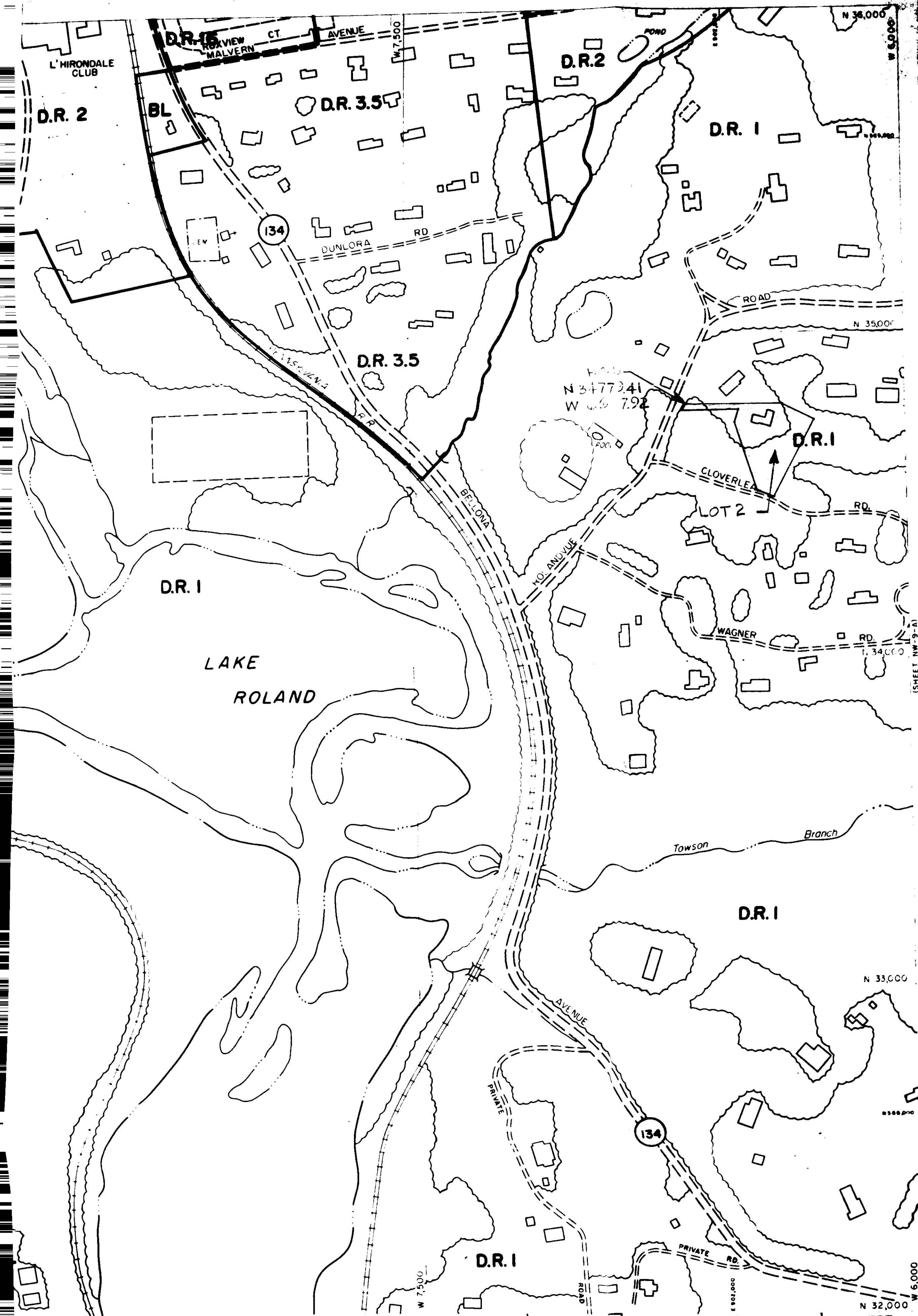
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM348/ZAC1

received
4/29/91





**COUNTY
PLANNING AND ZONING
GRAPHIC MAP**

| | | |
|--|-----------------------------------|--------------------|
| SCALE 1" = 200' | LOCATION LAKE ROLAND RUXTON | SHEET NW 9-B |
| DATE OF PHOTOGRAPHY JANUARY 1986 | | |

91-353-A³⁴⁸



**COUNTY
PLANNING AND ZONING
GRAPHIC MAP**

| | | |
|--|-----------------------------------|--------------------|
| SCALE 1" = 200' ± | LOCATION LAKE ROLAND RUXTON | SHEET NW 9-B |
| DATE OF PHOTOGRAPHY JANUARY 1986 | | |

91-353-A